



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning & Development
D. M. Sugimura, Director

CITY OF SEATTLE ANALYSIS AND DECISION OF THE DIRECTOR OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT

Application Number: 3002070
Applicant Name: Debra Goodman
Address of Proposal: 6519 South Bangor Street

SUMMARY OF PROPOSED ACTION

Land Use Permit to subdivide one parcel into four parcels of land. Proposed parcel sizes are: A) 8,088 sq. ft., B) 8,080 sq. ft., C) 7,205 sq. ft., and D) 7,456 sq. ft.

The following approval is required:

Short Subdivision - to create four parcels of land.
(SMC Chapter 23.24)

SEPA – Environmental Determination – Chapter 25.05, Seattle Municipal Code.

BACKGROUND DATA

Zoning: SF 7200

Uses on Site: Single family residence with detached carport and shed.

Public Comment: A petition was submitted signed by 25 residents of this neighborhood. Comment letters were received from nine property owners and their attorney during the comment period which ended October 26, 2005. Concerns were expressed about view protection and the existing restrictive covenant, slope stability and previous slides, erosion, an underground spring, storm water drainage onto neighboring properties, conclusions in the soils report, an increase in traffic circulation and demand for onstreet parking, pedestrian and traffic safety and visibility, air quality during demolition and construction, increased housing density, change of neighborhood character, the need for an environmental impact statement, and the questions in the SEPA checklist are not completely answered.

Steep Slope Environmentally Critical Area (ECA) Information

A soils report was submitted with this application and was reviewed by DPD's geotechnical engineer. A limited exemption was granted based on the preliminary geotechnical report by Tubbs Geosciences, dated July 12, 2005. The limited exemption provides a waiver from the steep slope disturbance restrictions imposed by the ECA regulations. Future permit applications submitted on the proposed new parcels which contain the 40 percent steep slope features must go through ECA review, including geotechnical review that must include stability evaluations from the geotechnical engineer of record.

ANALYSIS - SHORT SUBDIVISION

Pursuant to SMC 23.24.040, the Director shall, after conferring with appropriate officials, use the following criteria to determine whether to grant, condition, or deny a short plat:

1. *Conformance to the applicable Land Use Code provisions;*
2. *Adequacy of access for vehicles, utilities and fire protection, as provided in Section 23.53.005;*
3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*
4. *Whether the public use and interests are served by permitting the proposed division of land;*
5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions in environmentally critical areas;*
6. *Is designed to maximize the retention of existing trees;*

Summary - Short Subdivision

Based on information provided by the applicant, referral comments from DPD, Water (SWD), Fire Departments (SFD), Seattle City Light, and Parks and review by the Land Use Planner, the above cited criteria have been met subject to the conditions imposed at the end of this decision. The lots to be created by this short subdivision will meet all minimum standards or applicable exceptions of the set forth in the Land Use Code, and are consistent with applicable development standards. As conditioned, this short subdivision can be provided with vehicular access, public and private utilities and access (including emergency vehicles). Adequate provisions for drainage control, water supply and sanitary sewage disposal have been provided for each lot and service is assured, subject to standard conditions governing utility extensions. The proposal site is located in an environmentally critical area and the requirements of SMC 25.09.240 have been met. The proposed plat maximizes the retention of existing trees. The public use and interest are served by the proposal since all applicable criteria are met and the proposal creates the potential for additional housing opportunities in the City.

DECISION – SHORT PLAT

The proposed short plat is **CONDITIONALLY GRANTED**.

ANALYSIS – SEPA

The proposal site is located in an environmentally critical area, thus the application is not exempt from SEPA review. However, SMC 25.05.908 provides that the scope of environmental review of projects within critical areas shall be limited to: 1) documenting whether the proposal is consistent with the City's Environmentally Critical Areas (ECA) regulations in SMC 25.09; and 2) Evaluating potentially significant impacts on the critical area resources not adequately addressed in the ECA regulations. This review includes identifying additional mitigation measures needed to protect the ECA in order to achieve consistency with SEPA and other applicable environmental laws.

Environmental review resulting in a Threshold Determination is required pursuant to the Seattle State Environmental Policy Act (SEPA)m WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05).

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated March 22, 2005. The information in the checklist, pertinent public comment, and the experience of the lead agency with review of similar projects for the basis for this analysis and decision.

The Department of Planning and Development has analyzed the environmental checklist submitted by the project applicant; and reviewed the project plans and any additional information in the file. As indicated in this analysis, this action will result in adverse impacts to the environment. However, due to their temporary nature and limited effects, the impacts are not expected to be significant.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, and certain neighborhood plans and other policies explicitly referenced, may serve as the basis for exercising substantive SEPA authority. The Overview Policy states, in part, "*Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation*" subject to some limitations. Short-term adverse impacts are anticipated from the proposal. No adverse long-term impacts on the environmentally critical area are anticipated.

Short-term Impacts

The following temporary or construction-related impacts to the environmentally critical area are expected: 1) temporary soil erosion; and 2) increased vibration from construction operations and equipment. These impacts are not considered significant because they are temporary and/or minor in scope (SMC 25.05.794). Codes and development regulations applicable to this proposed project will provide sufficient mitigation and no further conditioning or mitigation is warranted pursuant to applicable SEPA policies.

DECISION

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

[X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21.030(2)©.

CONDITIONS – SHORT PLAT

Conditions of Approval Prior to Recording

The owner(s) and/or responsible party(s) shall:

1. Provide on the plat a joint use and maintenance agreement.
2. Add the conditions of approval after recording on the face of the plat or on a separate page. If the conditions are on a separate page, insert on the plat "For conditions of approval after recording see page ____ of ____."

3. Provide on the plat the required Seattle City Light easement.
4. Have final recording documents prepared by or under the supervision of a Washington State licensed land surveyor. Each lot, parcel, or tract created by the short subdivision shall be surveyed in accordance with appropriate State statutes. The property corners set shall be identified on the plat and encroachments such as side yard easements, fences or structures shall be shown. Lot areas shall be shown on the plat. The lot areas of each parcel shall be shown on the recording documents.
5. Provide an easement, covenant, or other legal agreement for an address sign to benefit all units at a location visible from **South Bangor Street** and to ensure that the address signage is maintained.
6. Submit the recording fee and final recording forms for approval.
7. Identify the 40 percent steep slope and 15 foot buffer on the plat map per Section 25.09.060A of the ECA Ordinance.
8. Comply with 2003 Seattle Fire Code Sections 503.1.1 Buildings and facilities, 503.2.1 Dimensions, 503.2.3 Surface, and Appendix D, D103.34 Dead Ends or the code exceptions.
9. Prior to Recording, the applicant may choose to revise the legal descriptions of Parcel D and a portion of Parcel A to add that they are subject to the Guthries Terrace Park Restrictive Covenants imposed by the Declaration of Protective Restrictions to the extent, these covenants do not conflict with laws, codes or ordinances.

Prior to Issuance of any Building Permit

10. The owner(s) and/or responsible party(s) shall attach a copy of the recorded short subdivision to all permit application plans for any application for a permit to construct, demolish, or change use.

Prior to Occupancy of any Building

11. Design and install approximately 173 feet of eight inch diameter DIP water main in South Bangor Street extending from 66th Avenue South to cross the full frontage of the legal parcel(s).

Signature: (signature on file) Date: April 6, 2006
Malli Anderson
Land Use Planner